

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

INAAM BASHI,

Plaintiff,
v.

WELLS FARGO HOME MORTGAGE, INC.,
d/b/a AMERICA'S SERVICING COMPANY,
and GMAC MORTGAGE,

Case Number 09-12108
Honorable David M. Lawson
Magistrate Judge Donald A. Scheer

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
DISMISSING THE PLAINTIFF'S CLAIMS AGAINST DEFENDANT GMAC
MORTGAGE WITHOUT PREJUDICE AND DENYING GMAC MORTGAGE'S
MOTION TO DISMISS AS MOOT

Presently before the Court is the report issued on November 18, 2009 by Magistrate Judge Donald A. Scheer pursuant to 28 U.S.C. § 636(b), recommending that the Court treat the plaintiff's motion to dismiss defendant GMAC Mortgage without prejudice as a notice of voluntary dismissal, dismiss the plaintiff's claims against GMAC Mortgage without prejudice, and deny defendant GMAC Mortgage's motion to dismiss as moot. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The party's failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt. # 31] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's motion to dismiss defendant GMAC Mortgage without prejudice [dkt. # 27] is construed as a notice of voluntary dismissal of the plaintiff's claims against GMAC Mortgage, and the plaintiff's claims against GMAC Mortgage are **DISMISSED without prejudice**.

It is further **ORDERED** that the defendant GMAC Mortgage's motion to dismiss [dkt. # 12] is **DENIED as moot**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: December 9, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 9, 2009.

s/Teresa Scott-Feijoo
TERESA SCOTT-FEIJOO